

AMENDMENT TO H.R. 3495
OFFERED BY M. _____

Page 1, strike line 6 and all that follows through page 2, line 5 and insert the following:

1 SEC. 2. INCREASING STATE FLEXIBILITY IN DETERMINING
2 PARTICIPATION OF PROVIDERS WHO PER-
3 FORM, OR PARTICIPATE IN THE PERFORM-
4 ANCE OF, ABORTIONS.

5 Section 1902 of the Social Security Act (42 U.S.C.
6 1396a) is amended—

7 (1) in subsection (a)(23), by striking “sub-
8 section (g)” and inserting “subsection (g), sub-
9 section (ll),”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(ll) RULES WITH RESPECT TO DETERMINATION OF
13 PARTICIPATION OF PROVIDERS WHO PERFORM, OR PAR-
14 TICIPATE IN THE PERFORMANCE OF, ABORTIONS.—

15 “(1) IN GENERAL.—Beginning October 1,
16 2015, subject to paragraph (2), for purposes of this
17 title, a State, at its option, may establish criteria
18 with respect to the participation under the State
19 plan (or under a waiver of the plan) of an institu-

1 tion, agency, entity, or person who performs, or partici-
2 participates in the performance of, abortions.

3 “(2) EXCEPTION.—Paragraph (1) shall not
4 apply to an abortion—

5 “(A) if the pregnancy is the result of an
6 act of rape or incest; or

7 “(B) in the case where a woman suffers
8 from a physical disorder, physical injury, or
9 physical illness that would, as certified by a
10 physician, place the woman in danger of death
11 unless an abortion is performed, including a
12 life-endangering physical condition caused by or
13 arising from the pregnancy itself.

14 “(3) DEFINITIONS.—For purposes of this sub-
15 section, the terms ‘institution’, ‘agency’, or ‘entity’
16 mean the entire legal institution, agency, or entity,
17 or any part thereof, including any institution, agen-
18 cy, or entity that controls, is controlled by, or is
19 under common control with such institution, agency,
20 or entity.”.

Amend the long title so as to read: “A bill to amend
title XIX of the Social Security Act to provide increased
State flexibility with respect to determining the participa-